IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.10095/2007.

Ramesh Chand Sharma

Vs.

Managing Director RIICO Ltd.

Date of Order:- 10/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Gajendra Bhawan for the petitioner.
Shri Harshvardhan Nandvana and
Shri R.P. Kuldeep Govt.Advocates for the State.

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Grievance of the petitioner is that he is tenant in a Shop No.A-8 which is situated in the Commercial Estate of the RIICO in 'A' block Road No.5, V.K.I. Area, Jaipur since 1/4/1974. When the said shop was allotted to the petitioner, the rate of rent was Rs.72/- per month and, thereafter, rent has been revised from time to time. Shop is presently in dilapidated condition and is in need of immediate repairs and renovation. Inspite of the fact that petitioner submitted several representations to the respondents, they have not cared to meet out his demand. It is also contended that adjoining shop in the same block

has been sold by R.I.I.C.O. even to those who were not original tenant but sub-tenants of the tenants whereas the petitioner is their direct allottee under the Rules for Allotment of Commercial Shop who are unemployed in the Rajasthan and has therefore preferential claim. The RIICO has not even considered the demand of the petitioner to sell the aforesaid shop to him.

Having heard learned counsel for the petitioner and perused the impugned order, I find that the RIICO has written to the petitioner way back on 15/4/2005 in response to his representation dated 9/3/2005 that he should vacate the shop which is in a dilapidated condition so that it can be repaired.

In the circumstances therefore, I do not find any merit in the writ petition. However, I set the petitioner at liberty to make a fresh representation to the authorities of the respondents which shall consider the request of the petitioner afresh either permitting him to repair the shop or even consider his prayer for selling it out to him

as was done in one another case instance of which may be cited before them by the petitioner. The representation shall be decided within a period of six weeks by the respondents from the date of production of certified copy of this order before them.

The writ petition is disposed of accordingly.

(MOHAMMAD RAFIQ), J.

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